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8
9 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke
13 Probation Against,

14 **MOJGAN V. HASSANI**
15 **11984 Rancho Bernardo Rd. #F**
San Diego, CA 92128

16 **Occupational Therapy Assistant Certificate**
17 **No. OTA 1532**

18 Respondent.

Case No. OA2006-360S

FIRST AMENDED PETITION TO
REVOKE PROBATION

19
20 Complainant alleges:

21 **PARTIES**

22 1. Heather Martin (Complainant) brings this First Amended Petition to Revoke
23 Probation solely in her official capacity as the Executive Officer of the California Board of
24 Occupational Therapy, Department of Consumer Affairs.

25 2. On or about February 7, 2006, the California Board of Occupational Therapy issued
26 Occupational Therapy Assistant Certificate Number OTA 1532 to Mojgan V. Hassani
27 (Respondent). The Occupational Therapy Assistant Certificate was in effect at all times relevant
28 to the charges brought herein and will expire on April 30, 2013, unless renewed.

1 **PRIOR DISCIPLINE**

2 3. In a disciplinary action entitled "*In the Matter of Accusation Against Mojgan V.*
3 *Hassani*," Case No. OA 2006-360, the California Board of Occupational Therapy issued a
4 decision, effective April 23, 2010, in which Respondent's Occupational Therapy Assistant
5 Certificate was revoked. However, the revocation was stayed and Respondent's Occupational
6 Therapy Assistant Certificate was placed on probation for a period of three (3) years with certain
7 terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by
8 reference.

9 **JURISDICTION**

10 4. This First Amended Petition to Revoke Probation is brought before the California
11 Board of Occupational Therapy (Board), Department of Consumer Affairs, under the authority of
12 the following laws. All section references are to the Business and Professions Code (Code)
13 unless otherwise indicated.

14 5. Section 2570.30 of the Code states:

15 The board shall retain jurisdiction to proceed with any investigation, action or
16 disciplinary proceeding against a license, or to render a decision suspending or
17 revoking a license, regardless of the expiration, lapse, or suspension of the license by
operation of law, by order or decision of the board or a court of law, or by the
voluntary surrender of a license by the licensee.

18 **FIRST CAUSE TO REVOKE PROBATION**

19 **(Abstain from Controlled Substances)**

20 6. At all times after the effective date of Respondent's probation, Condition 16 stated:

21
22 Respondent shall completely abstain from the personal use or possession of
23 controlled substances, as defined in the California Uniform Controlled Substances
24 Act, and dangerous drugs as defined in section 4021 and 4022 of the Business and
25 Professions Code, except when lawfully prescribed by a legally authorized health care
26 professional as part of documented medical treatment. Within ten (10) days of being
27 prescribed any drug, Respondent shall have the prescribing health professional send
28 to the Board a report identifying the medication, dosage, the date the medication was
prescribed, the respondent's prognosis, the date the medication will no longer be
required, and the effect on the respondent's recovery plan.

1 7. Respondent's probation is subject to revocation because she failed to comply with
2 Probation Condition 16, referenced above in that Respondent failed to abstain from the use of
3 controlled substances during the period of probation. The facts and circumstances regarding this
4 violation are as follows:

5 a. A urine specimen provided by Respondent to the collection site (FirstLabs,
6 Inc.) on August 10, 2010, tested positive for benzodiazepines, which are controlled substances.

7 b. In a letter to the Board dated August 30, 2010, Respondent explained that she
8 had misplaced her prescription for Xanax and instead used tablets from an old prescription for
9 Librium (chlordiazepoxide) prescribed in 2009, which caused the positive test result.

10 c. Librium was not part of a current, documented treatment plan for Respondent
11 and she failed to provide a report from her health professional authorizing its use as required by
12 Probation Condition 16.

13 **SECOND CAUSE TO REVOKE PROBATION**

14 **(Failure to Submit Documented Medical Treatment Plan)**

15 8. At all times after the effective date of Respondent's probation, Condition 16 stated:

16 Abstain From Controlled Substances. Respondent shall completely abstain
17 from the personal use or possession of controlled substances, as defined in the
18 California Uniform Controlled Substances Act, and dangerous drugs as defined in
19 section 4021 and 4022 of the Business and Professions Code, except when lawfully
20 prescribed by a legally authorized health care professional as part of documented
21 medical treatment. Within ten (10) days of being prescribed any drug, Respondent
shall have the prescribing health professional send to the Board a report identifying
the medication, dosage, the date the medication was prescribed, the respondent's
prognosis, the date the medication will no longer be required, and the effect on the
respondent's recovery plan.

22 9. Beside the violation described in paragraph 7 above, Respondent's probation is also
23 subject to revocation because she failed to comply with Probation Condition 16 referenced above.
24 The facts and circumstances regarding this second violation are as follows:

25 a. As a condition of her probation, Respondent's urine has been tested by Firstlab, Inc.
26 for the presence of controlled substances throughout her probation. Respondent's urine has tested
27 positive for the presence of the controlled substances and dangerous drugs, APAP/hydrocodone
28 (Norco), alprazolam (Xanax) and carisoprodol (Soma) from April 29, 2010 to the present.

b. During Respondent's probation, the following controlled substances (and others) have been prescribed to her by at least two health professionals:

Date Filled	Drug Name	Dosage	Quantity	Prescription Number	Prescriber
06/25/10	APAP/hydrocodone	325 mg/10mg	200 tablets	0747744	Kaveh S. Farhoomand, D.O.
06/28/10	APAP/hydrocodone	325 mg/10mg	200 tablets	00456549	Kaveh S. Farhoomand, D.O.
07/22/10	APAP/hydrocodone	325 mg/10mg	200 tablets	00456549	Kaveh S. Farhoomand, D.O.
08/22/10	APAP/hydrocodone	325 mg/10mg	200 tablets	00456549	Kaveh S. Farhoomand, D.O.
09/20/10	APAP/hydrocodone	325 mg/10mg	200 tablets	00456549	Kaveh S. Farhoomand, D.O.
10/16/10	APAP/hydrocodone	325 mg/10mg	200 tablets	00456549	Kaveh S. Farhoomand, D.O.
11/11/10	APAP/hydrocodone	500 mg/05mg	12 tablets	00492177	Mario R. Quintero, M.D.
11/12/10	APAP/hydrocodone	325mg/10mg	200 tablets	00456549	Kaveh S. Farhoomand, D.O.
12/06/10	APAP/hydrocodone	325mg/10mg	200 tablets	00498816	Kaveh S. Farhoomand, D.O.
12/27/10	APAP/hydrocodone	325 mg/10mg	200 tablets	00498816	Kaveh S. Farhoomand, D.O.
06/25/10	alprazolam	0.5mg	100 tablets	0747777	Kaveh S. Farhoomand, D.O.
08/04/10	alprazolam	0.5mg	100 tablets	0747777	Kaveh S. Farhoomand, D.O.
09/08/10	alprazolam	0.5mg	100 tablets	0747777	Kaveh S. Farhoomand, D.O.

10/21/10	alprazolam	0.5mg	100 tablets	0747777	Kaveh S. Farhoomand, D.O.
12/01/10	alprazolam	0.5mg	100 tablets	0747777	Kaveh S. Farhoomand, D.O.

c. Despite the requirements of her probation agreement and repeated requests from the Board, Respondent has not had her health care professionals send to the Board a report identifying "the medication, dosage, the date the medication was prescribed, the respondent's prognosis, the date the medication will no longer required, and the effect on the respondent's recovery plan" for each controlled substance she has obtained during her probation, within 10 days of being prescribed these controlled substances, except for the controlled substance, alprazolam, which was prescribed by one of her health professionals on June 25, 2010 and February 8, 2011. Thus, Respondent has violated Probation Condition 16.

THIRD CAUSE TO REVOKE PROBATION

(Abstain From Alcohol)

10. At all times after the effective date of Respondent's probation, Condition 17 stated:

Abstain From Use of Alcohol. Respondent shall completely abstain from the use of alcoholic beverages during the period of probation.

11. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 17, referenced above in that Respondent failed to abstain from the use of alcohol during the period of probation. The facts and circumstances regarding this violation are as follows:

a. Urine specimens provided by Respondent on June 7, 2010 and June 23, 2010, and evaluated by FirstLabs, Inc. tested positive for EtG/EtS (alcohol), a violation of Probation Condition 17.

b. On July 2, 2010, the Board contacted Respondent by telephone and advised her of the positive tests. Respondent stated her positive alcohol tests were the result of ingesting Nyquil for cold and flu symptoms. Respondent was directed to read again her acknowledgement signed on May 4, 2010, regarding information provided by the Board, "Safe Medications to Use

1 in Recovery,"¹ and that she must avoid products such as Nyquil. Respondent was warned that
2 further positive tests could result in the revocation of her license.

3 c. Respondent subsequently submitted urine samples to FirstLabs, Inc. on July 7,
4 2010, July 18, 2010, July 30, 2010, August 21, 2010, August 22, 2010, August 23, 2010,
5 September 13, 2010, September 15, 2010, October 8, 2010, October 10, 2010, November 20,
6 2010, and December 2, 2010, all of which tested positive for EtG/EtS (alcohol).

7 d. Respondent admitted to her therapist that she had drunk an "occasional half
8 glass of wine" during her probation, which is a violation of Probation Condition 17.

9 **FOURTH CAUSE TO REVOKE PROBATION**

10 **(Biological Fluid Testing)**

11 12. At all times after the effective date of Respondent's probation, Condition 18 stated:

12 Submit Biological Fluid Samples. Respondent shall immediately submit to
13 biological fluid testing, at respondent's cost, upon request by the Board or its
14 designee. There will be no confidentiality in the test results; positive test results will
15 be immediately reported to the Board and the respondent's current employer.

16 13. Respondent's probation is subject to revocation because she failed to comply with
17 Probation Condition 18, referenced above. The facts and circumstances regarding this violation
18 are as follows:

19 a. In a letter to Respondent dated April 15, 2010, sent First Class and Certified
20 Mail, Respondent was notified of the Board's new drug and alcohol testing procedures.
21 Respondent was informed that FirstLabs, Inc. would conduct the biological fluid testing and that
22 Respondent was required to call a toll free number or log onto FirstLab's website every day,
23 Monday through Sunday, from 5 a.m. to 9 a.m. to determine if she had been selected for testing.

24 b. On or about August 7, 2010, Respondent failed to call FirstLab, Inc. or log onto
25 their website between 5 a.m. and 9 a.m. As a result, Respondent missed a random biological fluid
26 test that had been scheduled for August 7, 2010.

27 ¹ In a letter to Respondent dated April 28, 2010, Respondent was provided with a list of
28 medications safe to use in recovery from chemical dependence. The prescription and over-the-
counter medications were classified as "mood-altering ingredient to avoid," "potential risk," and
"safe medication list." The OTC drug *Nyquil* was classified as "potential risk."

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

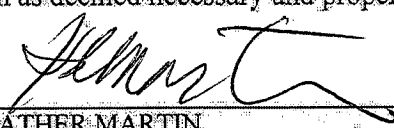
1. Revoking the probation that was granted by the California Board of Occupational Therapy in Case No. OA 2006-360 and imposing the disciplinary order that was stayed thereby revoking Occupational Therapy Assistant Certificate No. OTA 1532 issued to Mojgan V.

Hassani;

2. Revoking or suspending Occupational Therapy Assistant Certificate No. OTA 1532, issued to Mojgan V. Hassani;

3. Taking such other and further action as deemed necessary and proper.

DATED: 12 April 2011


HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant

SD2010702123